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C O N F I D E N T I A L STATE 110079

SIPDIS

E.O. 12958: DECL: 07/01/2018
TAGS: [KNNP](#) [MNUC](#) [PARM](#) [PREL](#) [BX](#)
SUBJECT: PSI: WELCOMING BRUNEI,S COMMITMENT TO THE
PROLIFERATION SECURITY INITIATIVE

REF: A. STATE 068499
[1](#)B. STATE 069343
[1](#)C. BANDAR SERI BEGAWAN 00199

Classified By: Derived from Bandar Seri Begawan 00199,
Reasons: 1.4 (b) and (d).

[1](#)1. (C) BACKGROUND AND OBJECTIVE: On September 10, 2008, the Embassy of Brunei provided a diplomatic note to the Department conveying the official decision of its government to support the Proliferation Security Initiative (PSI) Statement of Interdiction Principles. Brunei had waffled on its commitment to the PSI since attending the 2006 High-Level Political Meeting in Warsaw (reftels). Washington greatly appreciates Brunei's step and wishes to provide information about ways in which Brunei can participate in the PSI.

[1](#)2. (C) ACTION REQUEST: Embassy is requested to welcome Brunei's commitment to participate in the PSI, and provide the non-paper in paragraph 3 below to appropriate host government officials.

[1](#)3. (U) Begin text of non-paper:

The United States welcomes and greatly appreciates your Government's diplomatic note of September 10, 2008, conveying your decision to endorse the Proliferation Security Initiative (PSI) and its September 4, 2003 Statement of Interdiction Principles. We look forward to maintaining a dialogue with you, exchanging information about the PSI, and working with you to advance the counterproliferation goals of the PSI and its Statement of Interdiction Principles.

As you know, the PSI is an informal group of more than 90 sovereign states that have made a political commitment to cooperate in stopping proliferation-related transfers, using their respective national legal authorities and acting consistently with international law. States participating in the PSI work together to develop their legal, diplomatic, economic, law enforcement, and other tools to enable them to interdict shipments of proliferation concern, to the extent of their individual capabilities.

A variety of activities are conducted under the PSI, all of which are voluntary on the part of each state. One way to participate in the PSI is through interdiction training exercises that test and enhance national capabilities and international coordination. The next PSI exercise likely to be conducted in the Asia-Pacific region will probably be hosted by Singapore in November 2009. The State Department PSI web site at <http://www.state.gov/t/isn/c10390.htm> lists upcoming PSI events that Brunei Darussalam may be interested in attending.

The PSI Statement of Interdiction Principles includes a commitment to review and work to strengthen relevant national legal authorities where necessary to accomplish the PSI objectives. In this regard, PSI participating states have

found it useful to assess their national legal authorities and capabilities to stop transfers of proliferation concern, whether by land, sea, or air, and determine what they can do to close gaps identified in law enforcement or other authorities, including in strategic trade controls and enforcement, or in ports, territorial seas, or airspace. PSI participating states are also willing to assist each other in closing gaps in capabilities.

The PSI Model National Response Plan developed by New Zealand, which has been provided to Brunei Darussalam's embassy in Washington, may be used as a set of guidelines for identifying the steps to effective organization for interdiction actions.

A new tool for PSI partners to share experience with each other is a password-protected web-based portal developed by Germany. It is located on the server of the German Foreign Office at www.psi.diplo.de. The web portal is presently online on a provisional basis; Germany will provide a separate password for each country for greater security. The U.S. believes this portal will play an important role in strengthening the PSI community and providing all PSI partners with access to key PSI documents and points of contact.

Because interdictions often require senior government decision-making under extremely short deadlines, we would like to encourage Brunei Darussalam to review its existing interagency decision-making process, and organize further if necessary, to coordinate decision-making related to the PSI. Ministries and agencies that could be involved in interdictions include those responsible for diplomacy, defense, law enforcement, intelligence, customs, banking and finance, border patrol, and coast guard.

Interdiction is a supplement to national and international control frameworks. If a country learns of efforts by a proliferator to obtain WMD-related technology despite existing control regimes, it can work with other relevant PSI participating states to seek legal ways to prevent the shipment from reaching its destination. Ideally, such proliferation attempts will be stopped as early in the process as possible. While the image of an interdiction is a naval boarding on the high seas, such occurrences are rare. PSI participants seek to interdict shipments of proliferation concern where the maximum legal authority exists. This means that many PSI interdictions occur in port, where a PSI participant can apply its customs and export control laws and port state control authorities.

One area for further development of the PSI is the creation of tools to interdict payments between proliferators and their suppliers and to deny proliferators access to financing. The United States has in place Executive Order 13382, which prohibits U.S. persons from doing business with entities designated because of their proliferation activities. Executive Order 13382 allows the United States to track and freeze funds within U.S. jurisdiction that are used to finance proliferation. Persons that are designated under this Order are effectively denied access to the U.S. financial and commercial systems. The U.S. encourages other governments to create similar authorities to ensure that persons and entities under their jurisdiction cannot finance or otherwise support the activities of known proliferators. The text of E.O. 13382 is available at the White House website:
www.whitehouse.gov/news/releases/2005/06/2005_0629.html .

PSI participants also have an important role to play in implementing UN Security Council Resolutions intended to stop proliferation. Participation in the PSI is one effective way to fulfill UNSCR 1540. UNSCR 1718 on countering the DPRK's WMD and ballistic missile development, and UNSCRs 1737, 1747, 1803 and 1835 on countering Iran's proliferation sensitive activities, form important international legal bases for stopping items of proliferation concern from being transferred to and from those countries.

The two 2005 Protocols to the UN Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) and its related protocol on Fixed Platforms create an international legal framework for combating, on the high seas, the use of a ship to undertake a terrorist attack or to transport terrorists or cargo intended for use in WMD programs. They also create a new international framework for interdicting items of proliferation concern. The SUA Protocols' nonproliferation offenses and the boarding regime support efforts in the PSI and are consistent with the PSI commitment to strengthen national and international regimes to stop proliferation. The United States has signed the SUA Protocols, is preparing to ratify them, and urges all UN Member States to accede to them as well.

End non-paper.

14. (U) POINTS OF CONTACT: Questions on the PSI may be directed to ISN/CPI (Jane Purcell, 202-647-6186, or Carlos Guzman, 202-647-6320).
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